

MAIL STOP PCT

ATTORNEY'S DOCKET NUMBER: 26773U

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: 06 June 2005 (06.06.2005)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NUMBER: (if known): Not Yet Assigned
INTERNATIONAL APPLICATION NUMBER: PCT/EP2003/014069	INTERNATIONAL FILING DATE: 11 December 2003 (11.12.2003)	PRIORITY DATE CLAIMED: 13 December 2002 (13.12.2002) EP 20 September 2003 (20.09.2003) EP
TITLE OF INVENTION: 4-SUBSTITUTED BENZIMIDAZOLES AND THEIR USES AS INHIBITORS OF GASTRIC SECRETION		
APPLICANT(S) FOR DO/EO/US: Wilm BUHR; Peter Jan ZIMMERMANN		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
18. ☐ A second copy of the published international application under 35 USC 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
20. ☒ Other items or information:
TRANSMITTAL LETTER; APPLICATION DATA SHEET; TRANSMITTAL LETTER TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING FILING UNDER 35 U.S.C. 371; INTERNATIONAL PUBLICATION NUMBER: WO 2004/054984 A1, WITH INTERNATIONAL SEARCH REPORT (PCT/ISA/210), INTERNATIONAL PUBLICATION DATE: 01 JULY 2004 (01.07.2004), WHICH CONSISTS OF 75 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT, 64 PAGES OF TEXTUAL SPECIFICATION WITH EMBEDDED FORMULAS AND TABLES, 10 PAGES OF 12 CLAIMS, 0 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDIXES A AND B TO BE EXAMINED; INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT/IPEA/409); PCT REQUEST WITH EXECUTED INVENTOR'S DECLARATION (PCT/RO/101); NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION (PCT/IB/332); NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.

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10/537693

The following fees are submitted:	<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
21. Basic National Fee \$ 300.00	\$ 300.00	
22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) \$ 100.00 All other situations \$ 200.00	\$ 200.00	
23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office \$ 400.00 All other situations \$ 500.00	\$ 400.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.		
ENTER APPROPRIATE BASIC FEE AMOUNT =	\$ 900.00	

Surcharge of \$130.00 for furnishing the oath or declaration later than _____ 20 _____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$ 0.00	
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CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	12-20=	0	X \$ 50.00	\$ 0.00	
INDEPENDENT	3-3=	0	X \$ 200.00	\$ 0.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00	
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than _____ 20 _____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 900.00	
				Amount to be: refunded	\$
				charged	\$

JC09 Rec'd PCT/PTO 06 JUN 2005

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U.S. APPLICATION
NUMBER: (If known)
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DATE: 06 June 2005
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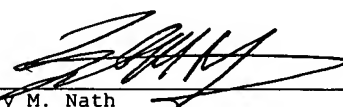
- a. ☒ One check in the amount of \$ 900.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$
to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be
required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. ☐ Fees are to be charged to a credit card ☐ WARNING: Information on this form may
become public ☐ Credit Card Information should not be included on this form.
☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a
petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the
application be restored to pending status.

Send All Correspondence To:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JC09 Rec'd PCT/PTO 06 JUN 2005

BUHR, et al.

Internatl. Appl. No.: PCT/EP2003/014069

Serial Number: Not Yet Assigned

Internatl. Filing Date: 11 December 2003 (11.12.2003)

Filing Date: June 6, 2005

Title: **4-SUBSTITUTED BENZIMIDAZOLES AND THEIR USE AS INHIBITORS OF GASTRIC SECRETION**TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Application Data Sheet;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/054984 A1, with International Search Report (PCT/ISA/210), International Publication Date: 01 July 2004 (01.07.2004), which consists of 75 pages:
 - 1 Page for the Cover Sheet, which contains the Abstract,
 - 64 Pages of Textual Specification with embedded formulas and tables,
 - 10 Pages of 12 Claims,
 - 0 Sheets of Drawings;
- (4) **Preliminary Amendment with Appendixes A and B to be Examined;**
- (5) International Preliminary Examination Report (PCT/IPEA/409);
- (6) **PCT Request with Executed Inventor's Declaration (PCT/RO/101);**
- (7) Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (PCT/IB/308);
- (8) Information Concerning Elected Offices Notified of their Election (PCT/IB/332);
- (9) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (10) Check Number: 23135 in the amount of \$ 900.00 for Basic Filing Fee (\$ 300.00), Examination Fee (\$ 200.00) and Search Fee (\$ 400.00) as a Large Entity;
- (11) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date Filed: June 6, 2005

By: 

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GMN/SMM:le

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